

REMARKS

Favorable reconsideration of this application as amended is respectfully requested.

Independent claims 1 and 11 have been amended to clarify the invention intended to be claimed and to distinguish more clearly from the Viertel reference, particularly in light of the comments in Item 11 of the Advisory Action.

It is respectfully submitted that claims 1 and 11 clearly distinguish patentably from the Viertel et al reference. For example, claim 1 recites a shank unitary with a flange. The shank of the reference is not unitary with the flange.

Claim 1 also recites that the clip is constructed so that in an initial posture of the clip, the levers extend beyond an end of the shank opposite to the flange end, longitudinally away from the shank and laterally away from the shank, to form acute angles with respect to the longitudinal axis of the shank. In the reference, the levers are perpendicular to the longitudinal axis and do not form acute angles with respect to the longitudinal axis.

Claim 1 also recites that the clip is constructed so that in the interposed posture the levers are in contact with one side of the attached member. In the interposed posture shown in Fig. 3 of the reference the levers 11 are not in contact with one side of the attached member.

It is respectfully submitted that the recitations in claim 1 that the clip is constructed so that certain

relationships are achieved do not constitute mere process limitations. They are structural limitations entitled to patentable weight.

Claim 11 recites a shank having unitary therewith at one end a flange, unlike the reference.

Claim 11 further recites a pair of levers projecting beyond the end of the shank opposite to the flange end, longitudinally away from the shank and laterally away from the shank, to form acute angles with respect to the longitudinal axis of the shank so that in the initial posture tip portions of the lever are disposed for engagement with one side of the sheet member, unlike the reference.

Claim 11 also recites that the construction of the clip is such that in the interposed posture the levers contact said one side of the sheet member, and the flange contacts the levers, unlike the reference.

Again, applicant respectfully submits that these recitations are structural limitations entitled to patentable weight.

Claims 3-7, 9, 12-14 and 16-20, which were merely objected to, have not been rewritten in independent form, because amended independent claims 1 and 11 should be allowed.

This application is now clearly in condition for allowance.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 any fees under 37 C.F.R. §§ 1.16

and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been requested separately, such extension is hereby requested.

Respectfully submitted,

NHS:dmt

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